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ILLINOIS COMMUNICATIONS COMMISSION
BEFORE THE ILLINOIS COMMUNICATIONS COMMISSION

ORIGINAL

Docket No. _____
ICC Office Use Only

Delta Communications, LLC
d/b/a CLEARWAVE COMMUNICATIONS

Application for a certificate of local
and interexchange authority to operate
as a facilities based carrier of
telecommunications services in the
State of Illinois

01-0795

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**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**

GENERAL

1. Applicant's Name (including d/b/a if any) FEIN # 37-1354355
Delta Communications, LLC d/b/a Clearwave Communications
Address: 404 Seright Street
Harrisburg, Illinois 62946
2. Authority Requested: (Mark all that apply) ☒ 13-403 Facilities Based Interexchange
☒ 13-404 Resale of Local and/or Interexchange
☒ 13-405 Facilities Based Local
3. Request for waivers/variances: Indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.
Applicant requests the waiver of:

Part 200 Rules of Practice

Subpart D Hearing Procedure

Section 200.525 Paper Hearings

Applicant moves that this application be considered under the Paper Hearing procedure for the following reasons:

1. Applicant is the only party involved to date.
2. There is no stated opposition known by Applicant
3. Full and responsive statements have been made in the application for authority and Applicant is available for response to any concerns of the staff or hearing examiner.

Part 710 Uniform System of Accounts for Telecommunications Carriers

Applicant desires waiver of the above referenced Part due to the financial burden placed on it by instituting such a system during its start-up period as a competitive local exchange carrier. In addition, Applicant will not have sufficient revenue, equipment and serviced accounts, during its start-up period, to justify the personnel demands of such a system.

Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois

Applicant desires waiver of certain sections of the above referenced Part. Sections for which waiver is desired and the reasoning for the requested waiver are shown below:

Section 735.10 Directories

Applicant has no intent to develop and/or publish any directories at the current time. Applicant intends to negotiate an interconnection agreement with incumbent local exchange carriers and use the incumbent's existing

directories by supplying customer directory data to the incumbent serving the affected exchange area.

4. Applicant has completed the questions for those seeking Local Service Exchange authority and the responses may be found under the Exhibits noted below

Standard Questions for Applicants Seeking Local Service Exchange Authority –
Testimony of Scott Riggs, President & COO attached hereto and made a part hereof as Exhibit A

9-1-1 Questions for Applicants Seeking Local Service Exchange Authority –
Testimony of Scott Riggs, President & COO attached hereto and made a part hereof as Exhibit B

Financial Questions for Applicants Seeking Local Service Exchange Authority –
Testimony of Scott Riggs, President & COO attached hereto and made a part hereof as Exhibit C

Prepaid Service Questions for Applicants Seeking Local Service Exchange Authority – Testimony of Scott Riggs, President & COO attached hereto and made a part hereof as Exhibit D

5. Applicant will serve the entire State of Illinois with service being initiated in Southern Illinois and moving into the remainder of the state over several years. A map of the State is attached hereto and by reference made a part hereof as Exhibit E.

6. Applicant's contact person who will work with Commission staff on all issues listed will be:

James Keller
CTO
Clearwave Communications
404 Seright Street
Harrisburg, IL 62946
Telephone: 618.253.4174
Facsimile: 618.253.3063
e-mail: jkeller@clearwaveonline.com

8. The Applicant is organized as a Limited Liability Company in the State of Illinois. The Applicant's Articles of Incorporation and Certificate of Authority to transact business in Illinois are attached hereto and made a part hereof by reference as Exhibit F.

9. Applicant will be offering service in all political subdivisions of the State of Illinois, but starting with the following counties, including all cities, towns and villages within their boundaries:

Alexander	Massac
Franklin	Pope
Gallatin	Pulaski
Hamilton	Saline
Hardin	Union
Jackson	White
Johnson	Williamson

In addition to Illinois, Applicant will be applying to offer telecommunications services in the following states:

Indiana
Kentucky
Missouri

10. Neither Applicant nor any principal in Applicant has been denied a Certificate of Service or had certification revoked or suspended in any jurisdiction in this or any other name.

11. No complaints or judgements have been levied against Applicant in any other jurisdiction.

12. Applicant has not provided service under any other name.

13. Applicant will keep its books and records in Illinois.

MANAGERIAL

14. Resumes of the key management staff of the Applicant are attached hereto and by reference made a part hereof as Exhibit G. These resumes will show the capabilities and resources of the Applicant to provide service.

15. The officers of the Applicant are as follow:

Chairman & CEO	Robert F. Kelley
President & COO	Jennings Scott Riggs
Vice President, Sales & Marketing	Michael J. Phalin
Chief Financial Officer	Stephen H. Kautz
Chief Technology Officer	James J. Keller

16. Several of the above people own stock in StarCrest Partners LLC, located in California. StarCrest has an ownership intrest that is greater than 10% in Northwest Telephone of Washington State. Northwest Telephone is an telecommunications entity that is currently providing telecommunications services.

17. Applicant will bill for its services in the following manner:

Applicant will normally send its bill to its customers by mail once each month at the beginning of the month and provide a period of at least 21 days from the date of the bill for payment without penalty. Applicant's bill will be formatted to show the utility name and address; a customer contact telephone number to be used by customers in contacting the utility with questions or complaints; messages to customers concerning payment locations other than the utility business office and items of interest to the customer; an itemized statement of the charges for telecommunications services to the individual customer and an itemized statement of surcharges and taxes added to the bill. A statement of the penalty to be

Bill itemization will include the basic monthly charge for local exchange service billed in advance; charges for features or advanced services used during the previous month billed in arrears; charges for any toll usage during the previous month billed in arrears; a listing of any surcharges from whatever source based against the portion of the bill or the total bill as prescribed and the amount of each; and a listing of all local, state and federal taxes applied to the bill and the amount of each.

18. Applicant plans to handle service, billing and repair complaints in the following manner:

Applicant will establish a customer care department to accomplish a number of tasks, including dealing with the complaints of customers in an efficient and timely manner. The customer care representatives will be trained to provide intelligent service by having limited access to the billing and accounting database in order to be able to respond to customer questions concerning billing amounts and/or payment information. Further, they will be able to access records of repair and response to trouble calls from customers. In addition, they will be educated as to the utility's policies and regulations and the complaint procedure regulations of the Illinois Commerce Commission.

If, after hearing the customer's complaint and reviewing with the customer the utility's policy and regulations regarding any of the above complaint sources and offering methods of resolving the complaint, the customer is not satisfied and still requires attention, the customer care representative shall forward the complaint and any notes on discussions with the customer to an officer of the utility. The officer shall, within five business (5) days, contact the customer to try to resolve the complaint.

If the utility officer is unable to satisfy the customer's complaint within a reasonable amount of time, s/he shall provide information to the customer concerning the process for filing an informal complaint with the Illinois Commerce Commission and give the customer the details of the person or department address and telephone number to contact at the Commission. S/he

shall provide any additional information relative to the process or Commission authority requested by the customer.

19. Applicant will insure that staff personnel will be available at its business office during regular working hours (8:00 a.m. to 6:00 p.m.) to respond to customer inquiries about service or billing.

20. Applicant will provide an "800" number for customer use in contacting its customer care personnel to establish service, answer inquiries and take trouble reports. The above referenced number is as follows:

800- xxx-xxxx

21. Applicant will abide by all Federal and State slamming and cramming laws pursuant to section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act.

22. Applicant's procedures to prevent slamming and cramming are as follow:

Slamming

Any carrier submitting a change in a subscriber's primary exchange or interexchange carrier, including applicant, shall be responsible for confirming the change to the subscriber in a written communication within ten (10) days of the notification of the change to the subscriber's current primary exchange or interexchange carrier. In addition, Applicant will require written notice of authorization by the subscriber from the carrier submitting the change. The confirmation letter must be a separate document printed in ten point or larger type with clear and concise language that confirms details of the change.

Any confirmation notice of change to the subscriber must include the name, service and billing address and phone number of the subscriber, the service affected, the current provider of exchange or interexchange service and the provider to whom service is to be changed. In addition, the written confirmation

shall include a toll-free telephone number that the subscriber can call to cancel the change or make any reductions or additions to the change.

The details of the procedure above must be followed whether initiated by the subscriber contacting the carrier or the carrier telemarketing its services to the subscriber.

Cramming

Applicant does not intend to allow any third party to bill subscribers through its billing process and therefore has not developed a procedure for handling this activity.

In the case of either slamming or cramming occurring to Applicant's subscribers, Applicant will assist its customers in recovering any overpayment or illegal payment and will in all cases inform the Illinois Commerce Commission of occurrences which come to its attention through its subscribers contact.

23. If granted authority to operate as a local exchange carrier in Illinois, the applicant will abide by 83 Illinois Administrative Code Parts 705, 720, 725, 730, 735 (except 735.10), 755, 756, 757, 770 and 772. The Applicant has requested waiver of Part 710 in total and of Part 735.10 in this application and hopes that the Commission will grant those requests. If the requests are not allowed, applicant will abide by all of both Parts.

24. Applicant is aware that it must file tariffs with the Illinois Commerce Commission prior to providing service in Illinois.

FINANCIAL

Evidence of applicant's financial fitness to provide service, including income statements, balance sheets and relevant pro formas are attached hereto and made a part hereof by reference as Exhibit H.

TECHNICAL

26. Applicant will utilize its own facilities and equipment in part and that of others in part. That portion of equipment or facilities acquired from other sources will come through leases made as a result of an interconnection agreement with the incumbent carrier in the region being served. A list of applicant-owned equipment and facilities and evidence that the applicant has the necessary technical resources, either in-house or contracted, to deploy and maintain its facilities is attached hereto and made a part hereof by reference as Exhibit I.

27. Applicant will provide the following types of service to its customers in Illinois:

Local Exchange Service

Prepaid Local Service

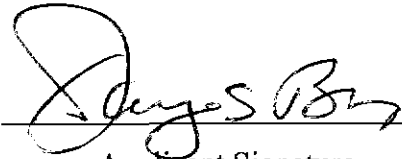
Data Services

Interexchange Service

Internet Service

28. Technical personnel will be available at all times to assist customers with service problems.

29. Applicant will not provide payphone service.


Applicant Signature

VERIFICATION

OATH

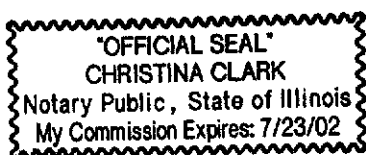
State of Illinois)

County of Saline) ss

Scott Riggs makes oath and says that he is President of Delta Communications, LLC d/b/a Clearwave Communications, that he has examined the foregoing application and that to the best of his knowledge, information and belief, all statements of fact contained in the said application are true and the said application is a correction of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

Scott Riggs
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public, Christina Clark
(Title of person authorized to administer oaths)
in the State and County above named, this 4th day of December, 2001.



Christina Clark
(Signature of person authorized to administer oath)